**Robert T. Stafford Disaster Relief**

**and Emergency Assistance Act,**

**as amended, and Related**

**Authorities**

*FEMA 592, June 2007*

**Robert T. Stafford Disaster Relief and Emergency Assistance Act,**

**Public Law 93-288, as amended, 42 U.S.C. 5121-5207,**

**and Related Authorities**

**UNITED STATES CODE**

**TITLE 42. THE PUBLIC HEALTH AND WELFARE**

**CHAPTER 68. DISASTER RELIEF**

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**Title II -- Disaster Preparedness and Mitigation**

**Assistance**

**Sec. 201. Federal and State Disaster Preparedness Programs (42 U.S.C.**

**5131)**

(a) Utilization of services of other agencies - The President is authorized to establish a

program of disaster preparedness that utilizes services of all appropriate agencies

and includes -

(1) preparation of disaster preparedness plans for mitigation, warning,

emergency operations, rehabilitation, and recovery;

(2) training and exercises;

(3) postdisaster critiques and evaluations;

(4) annual review of programs;

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(5) coordination of Federal, State, and local preparedness programs;

(6) application of science and technology;

(7) research.

**Title VI -- Emergency Preparedness**

**Sec. 601. Declaration of policy (42 U.S.C. 5195)**

The purpose of this title is to provide a system of emergency preparedness for the

protection of life and property in the United States from hazards and to vest responsibility

for emergency preparedness jointly in the Federal Government and the States and their

political subdivisions. The Congress recognizes that the organizational structure established

jointly by the Federal Government and the States and their political subdivisions for

emergency preparedness purposes can be effectively utilized to provide relief and

assistance to people in areas of the United States struck by a hazard. The Federal

Government shall provide necessary direction, coordination, and guidance, and shall

provide necessary assistance, as authorized in this title so that a comprehensive emergency

preparedness system exists for all hazards.

**Sec. 602. Definitions (42 U.S.C. 5195a)**

(a) Definitions - For purposes of this title only:

(1) Hazard - The term “hazard” means an emergency or disaster resulting

from–

(A) a natural disaster; or

(B) an accidental or man-caused event.

(2) Natural disaster - The term “natural disaster” means any hurricane, tornado,

storm, flood, high water, wind-driven water, tidal wave, tsunami,

earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought,

fire, or other catastrophe in any part of the United States which causes, or

which may cause, substantial damage or injury to civilian property or

persons.

(3) Emergency preparedness - The term “emergency preparedness” means all

those activities and measures designed or undertaken to prepare for or

minimize the effects of a hazard upon the civilian population, to deal with

the immediate emergency conditions which would be created by the hazard,

and to effectuate emergency repairs to, or the emergency restoration of,

vital utilities and facilities destroyed or damaged by the hazard. Such term

includes the following:

(A) Measures to be undertaken in preparation for anticipated hazards

(including the establishment of appropriate organizations,

operational plans, and supporting agreements, the recruitment and

training of personnel, the conduct of research, the procurement and

stockpiling of necessary materials and supplies, the provision of

suitable warning systems, the construction or preparation of shelters,

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shelter areas, and control centers, and, when appropriate, the nonmilitary

evacuation of the civilian population).

(B) Measures to be undertaken during a hazard (including the

enforcement of passive defense regulations prescribed by duly

established military or civil authorities, the evacuation of personnel

to shelter areas, the control of traffic and panic, and the control and

use of lighting and civil communications).

(C) Measures to be undertaken following a hazard (including activities

for fire fighting, rescue, emergency medical, health and sanitation

services, monitoring for specific dangers of special weapons,

unexploded bomb reconnaissance, essential debris clearance,

emergency welfare measures, and immediately essential emergency

repair or restoration of damaged vital facilities).

(4) Organizational equipment - The term “organizational equipment” means

equipment determined by the Director to be necessary to an emergency

preparedness organization, as distinguished from personal equipment, and

of such a type or nature as to require it to be financed in whole or in part by

the Federal Government. Such term does not include those items which the

local community normally uses in combating local disasters, except when

required in unusual quantities dictated by the requirements of the

emergency preparedness plans.

(5) Materials - The term “materials” includes raw materials, supplies,

medicines, equipment, component parts and technical information and

processes necessary for emergency preparedness.

(6) Facilities - The term “facilities”, except as otherwise provided in this title,

includes buildings, shelters, utilities, and land.

(7) Director - The term “Director” means the Director of the Federal

Emergency Management Agency.

(8) Neighboring countries - The term “neighboring countries” includes Canada

and Mexico.

(9) United States and States - The terms “United States “ and “States” includes

the several States, the District of Columbia , and territories and possessions

of the United States .

(10) State - The term “State” includes interstate emergency preparedness

authorities established under section 5196(h) of this title.

(b) Cross Reference - The terms “national defense” and “defense,” as used in the

Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), includes [include]

emergency preparedness activities conducted pursuant to this title.

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**SUBTITLE A – POWERS AND DUTIES**

**Sec. 611. Detailed Functions or Administration (42 U.S.C. 5196)\***

(a) In General - In order to carry out the policy described in section 5195 of this title,

the Director shall have the authorities provided in this section.

(b) Federal Emergency Response Plans and Programs - The Director may prepare

Federal response plans and programs for the emergency preparedness of the United

States and sponsor and direct such plans and programs. To prepare such plans and

programs and coordinate such plans and programs with State efforts, the Director

may request such reports on State plans and operations for emergency preparedness

as may be necessary to keep the President, Congress, and the States advised of the

status of emergency preparedness in the United States.

(c) Delegation of emergency preparedness responsibilities - With the approval of the

President, the Director may delegate to other departments and agencies of the

Federal Government appropriate emergency preparedness responsibilities and

review and coordinate the emergency preparedness activities of the departments

and agencies with each other and with the activities of the States and neighboring

countries.

(d) Communications and warnings - The Director may make appropriate provision for

necessary emergency preparedness communications and for dissemination of

warnings to the civilian population of a hazard.

(e) Emergency preparedness measures - The Director may study and develop

emergency preparedness measures designed to afford adequate protection of life

and property, including -

(1) research and studies as to the best methods of treating the effects of

hazards;

(2) developing shelter designs and materials for protective covering or

construction;

(3) developing equipment or facilities and effecting the standardization thereof

to meet emergency preparedness requirements; and

(4) plans that take into account the needs of individuals with pets and service

animals prior to, during, and following a major disaster or emergency.

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(f) Training programs -

(1) The Director may -

(A) conduct or arrange, by contract or otherwise, for training programs

for the instruction of emergency preparedness officials and other

persons in the organization, operation, and techniques of emergency

preparedness;

(B) conduct or operate schools or including the payment of travel

expenses, in accordance with subchapter I of chapter 57 of title 5,

and the Standardized Government Travel Regulations, and per diem

allowances, in lieu of subsistence for trainees in attendance or the

furnishing of subsistence and quarters for trainees and instructors on

terms prescribed by the Director; and

(C) provide instructors and training aids as necessary.

(2) The terms prescribed by the Director for the payment of travel expenses and

per diem allowances authorized by this subsection shall include a provision

that such payment shall not exceed one-half of the total cost of such

expenses.

(3) The Director may lease real property required for the purpose of carrying

out this subsection, but may not acquire fee title to property unless

specifically authorized by law.

(g) Public dissemination of emergency preparedness information - The Director may

publicly disseminate appropriate emergency preparedness information by all

appropriate means.

(h) Emergency preparedness compacts -

(1) The Director shall establish a program supporting the development of

emergency preparedness compacts for acts of terrorism, disasters, and

emergencies throughout the Nation, by -

(A) identifying and cataloging existing emergency preparedness

compacts for acts of terrorism, disasters, and emergencies at the

State and local levels of government;

(B) disseminating to State and local governments examples of best

practices in the development of emergency preparedness compacts

and models of existing emergency preparedness compacts, including

agreements involving interstate jurisdictions; and

(C) completing an inventory of Federal response capabilities for acts of

terrorism, disasters, and emergencies, making such inventory

available to appropriate Federal, State, and local government

officials, and ensuring that such inventory is as current and accurate

as practicable.

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(2) The Director may -

(A) assist and encourage the States to negotiate and enter into interstate

emergency preparedness compacts;

(B) review the terms and conditions of such proposed compacts in order

to assist, to the extent feasible, in obtaining uniformity between such

compacts and consistency with Federal emergency response plans

and programs;

(C) assist and coordinate the activities under such compacts; and

(D) aid and assist in encouraging reciprocal emergency preparedness

legislation by the States which will permit the furnishing of mutual

aid for emergency preparedness purposes in the event of a hazard

which cannot be adequately met or controlled by a State or political

subdivision thereof threatened with or experiencing a hazard.

(3) A copy of each interstate emergency preparedness compact shall be

transmitted promptly to the Senate and the House of Representatives. The

consent of Congress is deemed to be granted to each such compact upon the

expiration of the 60-day period beginning on the date on which the compact

is transmitted to Congress.

(4) Nothing in this subsection shall be construed as preventing Congress from

disapproving, or withdrawing at any time its consent to, any interstate

emergency preparedness compact.

(i) Materials and facilities -

(1) The Director may procure by condemnation or otherwise, construct, lease,

transport, store, maintain, renovate or distribute materials and facilities for

emergency preparedness, with the right to take immediate possession

thereof.

(2) Facilities acquired by purchase, donation, or other means of transfer may be

occupied, used, and improved for the purposes of this title before the

approval of title by the Attorney General as required by section 255 of title

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(3) The Director may lease real property required for the purpose of carrying

out the provisions of this subsection, but shall not acquire fee title to

property unless specifically authorized by law.

(4) The Director may procure and maintain under this subsection radiological,

chemical, bacteriological, and biological agent monitoring and

decontamination devices and distribute such devices by loan or grant to the

States for emergency preparedness purposes, under such terms and

conditions as the Director shall prescribe.

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(j) Financial contributions -

(1) The Director may make financial contributions, on the basis of programs or

projects approved by the Director, to the States for emergency preparedness

purposes, including the procurement, construction, leasing, or renovating of

materials and facilities. Such contributions shall be made on such terms or

conditions as the Director shall prescribe, including the method of purchase,

the quantity, quality, or specifications of the materials or facilities, and such

other factors or care or treatment to assure the uniformity, availability, and

good condition of such materials or facilities.

(2) The Director may make financial contributions, on the basis of programs or

projects approved by the Director, to the States and local authorities for

animal emergency preparedness purposes, including the procurement,

construction, leasing, or renovating of emergency shelter facilities and

materials that will accommodate people with pets and service animals.

(3) No contribution may be made under this subsection for the procurement of

land or for the purchase of personal equipment for State or local emergency

preparedness workers.

(4) The amounts authorized to be contributed by the Director to each State for

organizational equipment shall be equally matched by such State from any

source it determines is consistent with its laws.

(5) Financial contributions to the States for shelters and other protective

facilities shall be determined by taking the amount of funds appropriated or

available to the Director for such facilities in each fiscal year and

apportioning such funds among the States in the ratio which the urban

population of the critical target areas (as determined by the Director) in

each State, at the time of the determination, bears to the total urban

population of the critical target areas of all of the States.

(6) The amounts authorized to be contributed by the Director to each State for

such shelters and protective facilities shall be equally matched by such

State from any source it determines is consistent with its laws and, if not

matched within a reasonable time, the Director may reallocate such

amounts to other States under the formula described in paragraph (4). The

value of any land contributed by any State or political subdivision thereof

shall be excluded from the computation of the State share under this

subsection.

(7) The amounts paid to any State under this subsection shall be expended

solely in carrying out the purposes set forth herein and in accordance with

State emergency preparedness programs or projects approved by the

Director. The Director shall make no contribution toward the cost of any

program or project for the procurement, construction, or leasing of any

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facility which (A) is intended for use, in whole or in part, for any purpose

other than emergency preparedness, and (B) is of such kind that upon

completion it will, in the judgment of the Director, be capable of producing

sufficient revenue to provide reasonable assurance of the retirement or

repayment of such cost; except that (subject to the preceding provisions of

this subsection) the Director may make a contribution to any State toward

that portion of the cost of the construction, reconstruction, or enlargement

of any facility which the Director determines to be directly attributable to

the incorporation in such facility of any feature of construction or design

not necessary for the principal intended purpose thereof but which is, in the

judgment of the Director necessary for the use of such facility for

emergency preparedness purposes.

(8) The Director shall submit to Congress a report, at least annually, regarding

all contributions made pursuant to this subsection.

(9) All laborers and mechanics employed by contractors or subcontractors in

the performance of construction work financed with the assistance of any

contribution of Federal funds made by the Director under this subsection

shall be paid wages at rates not less than those prevailing on similar

construction in the locality as determined by the Secretary of Labor in

accordance with the Act of March 3, 1931 (commonly known as the Davis-

Bacon Act, 40 U.S.C. 276a - 276a-5), and every such employee shall

receive compensation at a rate not less than one and 1/2 times the basic rate

of pay of the employee for all hours worked in any workweek in excess of

eight hours in any workday or 40 hours in the workweek, as the case may

be. The Director shall make no contribution of Federal funds without first

obtaining adequate assurance that these labor standards will be maintained

upon the construction work. The Secretary of Labor shall have, with respect

to the labor standards specified in this subsection, the authority and

functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C.

App.) and section 276c of title 40.

(k) Sale or disposal of certain materials and facilities - The Director may arrange for

the sale or disposal of materials and facilities found by the Director to be

unnecessary or unsuitable for emergency preparedness purposes in the same

manner as provided for excess property under the Federal Property and

Administrative Services Act of 1949 ( 40 U.S.C. 471 et seq.). Any funds received

as proceeds from the sale or other disposition of such materials and facilities shall

be deposited into the Treasury as miscellaneous receipts.

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